

Remarks

Claims 1, 5, 10 and 18 were previously amended. Claims 3, 7, 8, 13 and 15 were previously cancelled. Claims 1, 5, 10, and 18 are presently amended. Claims 1, 2, 4-6, 9-12, 14 and 16-20 are pending in this application. The Examiner has rejected claims 1, 2, 4, 10-12, 14 and 16-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,567,892 to Horst, et al. (hereinafter “Horst”) in view of U.S. Patent Publication No. 2004/0024971 to Bogin, et al. (hereinafter “Bogin”). The Examiner has rejected claims 5, 6 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Horst in view of U.S. Patent Publication 2004/0117579 to Wu, et al. (hereinafter “Wu”) and in further view of Bogin. Applicants respectfully traverse the Examiner’s rejections.

A. Remarks Regarding Rejection of Claims 1, 2, 4, 10-12, 14 and 16-20 Under 35 U.S.C. § 103(a)

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

The combination of Horst in view of Bogin fails to teach or suggest all the claim limitations of amended independent claims 1, 5, 10, and 18. Specifically, the combination fails to teach or suggest “enabling the cache of the drive” as required by the amended independent claims. The cache referred to in Horst is the write cache located in the controller. Horst at Figure 1; 7:35-52.

Also, Horst fails to disclose “recording in the second non-volatile memory of the drive controller each rebuild command directed to the drive” as required by independent claims 1, and 5. The present invention contemplates recording in the rebuild commands in the second non-volatile memory in order to preserve the commands in case of “sudden loss of power to the drive or network.” Specification at 7:26-8:1. In contrast, Horst discusses deferring and queuing in the PCWQ completion interrupts rather than rebuild commands. Horst at 7:35-39.

Further, as amended Horst in view of Bogin fails to disclose “issuing a notification command from the drive to the drive controller indicating successful processing by the drive of the rebuild command.” As Horst in combination with Bogin fails to teach or suggest each and every element of independent claims 1, 5, 10, and 18, Horst in combination with Bogin does not anticipate these claims. Applicants respectfully submit that these independent claims allowable. Additionally, Applicants submit that dependent claims 2, 4, 6, 9, 11-12, 14, 16-17, 19-20 are allowable, as they depend from otherwise allowable base claims.

B. Remarks Regarding Rejection of Dependent Claims 2, 4, 6, 9, 11-12, 14, 16-17, 19-20 Under 35 U.S.C. § 103

The rejection of dependent claims 2, 4, 6, 9, 11-12, 14, 16-17, 19-20 will not be discussed individually herein, as each of these claims depends, either directly or indirectly, from an otherwise allowable base claim.

C. No Waiver

All of Applicants’ arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the cited references. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by examiner, Applicants do not acquiesce to examiner’s additional

statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art. The example distinctions discussed by Applicants are sufficient to overcome the anticipation rejections. The current amendments to the claims are sufficient to overcome the novelty and obviousness rejections.

Conclusion

Applicant respectfully submits that the pending claims 1, 2, 4, 10-12, 14 and 16-20 of the present invention, as amended, are allowable. Applicant respectfully requests that the rejection of the pending claims be withdrawn and that these claims be passed to issuance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. M. Pennington', is written over a horizontal line.

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